

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO**

THE UNITED STATES OF AMERICA

vs.

CASE. NO.: 3:99-CR-264-07(SEC

VICTOR CRUZ-SILVESTRE

*** * * * ***

**MOTION NOTIFYING SUPERVISED RELEASE VIOLATIONS AND
REQUEST FOR A SUMMONS**

**TO THE HONORABLE SALVADOR E. CASELLAS
SENIOR UNITED STATES DISTRICT JUDGE
DISTRICT OF PUERTO RICO**

COMES NOW, Jeffrey Semidey-Acosta, UNITED STATES PROBATION OFFICER of this Honorable Court, presenting an official report upon the conduct and attitude of the offender, Víctor Cruz-Silvestre, who on October 18, 2002, was sentenced to serve an imprisonment term of forty eight (48) months, followed by a supervised release term of three (3) years after he pleaded guilty of violating Title 21 U.S.C. § 846(b)(2). As special conditions he was ordered to submit to urinalysis and treatment if needed, provide financial information upon request and submit his person, residence, office or vehicle to a search, conducted by a United States Probation Officer at a reasonable time and in a reasonable manner, based upon reasonable suspicion of contraband or evidence of a violation of a condition of release. On August 16, 2005, Mr. Cruz-Silvestre was released from custody, at which time his supervised release term commenced.

**RESPECTFULLY PRESENTING PETITION FOR ACTION OF COURT FOR
CAUSE AS FOLLOWS:**

1. VIOLATION OF STANDARD CONDITION - “THE DEFENDANT SHALL REFRAIN FROM ANY UNLAWFUL USE OF A CONTROLLED SUBSTANCE AND SHALL SUBMIT TO A DRUG TEST WITHIN 15 DAYS OF RELEASE ON SUPERVISED RELEASE, AT LEAST TWO (2) PERIODIC TEST THEREAFTER AND WHENEVER REQUEST BY THE U.S. PROBATION OFFICER. IF ANY SUCH SAMPLE DETECT SUBSTANCE ABUSE, THAT THE DEFENDANT, AT THE DISCRETION OF THE U.S. PROBATION OFFICER, PARTICIPATE IN A SUBSTANCE ABUSE TREATMENT PROGRAM, ARRANGED AND APPROVED BY THE U.S. PROBATION OFFICER UNTIL DULY DISCHARGED BY AUTHORIZED PROGRAM PERSONNEL WITH THE APPROVAL OF THE U.S. PROBATION OFFICER.”

2. VIOLATION OF STANDARD CONDITION NO. 7 “ THE DEFENDANT SHALL NOT PURCHASE, POSSESS, USE, DISTRIBUTE OR ADMINISTER ANY CONTROLLED SUBSTANCE, OR ANY PARAPHERNALIA RELATED TO ANY CONTROLLED SUBSTANCE, EXCEPT AS PRESCRIBED BY A PHYSICIAN.”

On December 20, 2006, the offender tested positive to marihuana, cocaine and opiates. Therefore, Mr. Cruz was placed on the random urine program. On January 3, 2007, the offender again tested positive for benzoylecgonine (cocaine metabolite) and marihuana and opiates. On January 11, 2007, Mr. Cruz-Silvestre continued testing positive for benzoylecgonine and morphine. On February 9, 2007, the offender was referred to an inpatient drug treatment program. However, on March 6, 2007, he abandoned treatment program. According to the program personnel, Mr. Cruz-Silvestre was abusing percocet and was behaving in a disruptive manner.

WHEREFORE, I declare under penalty of perjury, that the foregoing is true and correct. In view that the offender violated his conditions of release, it is respectfully requested that a summons be issued so that the offender may be brought before this Court to show cause why he supervised release term should not be revoked. Thereupon, he to be dealt with pursuant to law.

In San Juan, Puerto Rico, this 20th day of April 2007.

Respectfully submitted,

EUSTAQUIO BABILONIA, CHIEF
U.S. PROBATION OFFICER

s/Jeffrey Semidey-Acosta
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CERTIFICATE OF SERVICE

I HEREBY certify that on this date, I electronically filed the foregoing motion with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following: Joseph Laws, Jr., Federal Public Defender and to David Rivera, Assistant United States Attorney.

At San Juan, Puerto Rico this 20th day of April 2007

s/Jeffrey Semidey-Acosta
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